

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

U. S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

OCT 11 2006

DAVID ROBBINS AND
DEBRA STEENBLOCK,

PLAINTIFFS

V.

JESSE RAY, DAVID JONES,
JONATHAN BEST, ROBERT
COFFELT, JAROD MASON,
BRAD POLLOCK, each in their
official and individual capacity

DEFENDANTS

BY

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

CIVIL No. 06-5198

**COMPLAINT FOR VIOLATION OF THE FEDERAL CIVIL RIGHTS ACT, 42 U.S.C.
SECTION 1983, AND THE FEDERAL, FOURTH AND FOURTEENTH
AMENDMENTS TO THE UNITED STATES CONSTITUTION**

Comes now the Plaintiffs and state and allege as follows:

PARTIES

1. The Plaintiffs are adult residents of the State of Arkansas. The residence of the Defendants is believed to be in Benton County, Arkansas.
2. The Defendants are police officers for the City of Rogers, Arkansas, for all times related to this Complaint.
3. Each Defendant is sued in his official and individual capacities.

JURISDICTION & VENUE

4. This action arises under Title 42 U.S.C. Secs. 1983 & 1988, Title 28 U.S.C.

Secs. 2201, 2202, and FRCP 57, for violation of the Federal Fourth and Fourteenth Amendments to the United States Constitution. Subject matter jurisdiction of this action seeking both equitable and money damages is by reason of Title 28 U.S.C. Secs. 1331 & 1343. Venue is in the Western District of Arkansas by reason of Title 28 U.S.C. Sec. 1391, as the acts or omissions complained of occurred in the Western District of Arkansas. The Defendants reside in the Western District of Arkansas.

FEDERAL CAUSE OF ACTION

5. On or about October 12, 2003, the Defendants detained and arrested the Plaintiffs for various felony drug offenses in violation of state law. As part of this arrest, the Defendants unlawfully entered and seized the Plaintiff's residence at 6306 Southgate Road, Rogers, Arkansas, without a warrant, and without any exception to the warrant requirement. The Defendants then unlawfully searched the residence. This unlawful conduct ultimately led to the unlawful seizure and arrest of the Plaintiffs for the various criminal offenses.

6. After entering conditional guilty pleas to the criminal cases, the Plaintiffs appealed their convictions to the Arkansas Court of Appeals. On March 8, 2006, the court ruled that the entry of the residence was a violation of the Federal Fourth Amendment. [2006 WL 554563] Therefore, the criminal cases were reversed and ultimately dismissed.

7. Any reasonable law enforcement officer should have known that his conduct violated clearly established federal law and was a direct violation of the Federal Fourth Amendment. All seizures and searches conducted at the residence, and of the

Plaintiffs and their personal and real property, were all in violation of the Federal Fourth and Fourteenth Amendment to the United States Constitution. Likewise, the arrests of the Plaintiffs by the Defendants was a direct violation of the Federal Fourth and Fourteenth Amendment to the United States Constitution.

8. All of the injuries to the Plaintiffs were done under color of law as defined by Title 42 U.S.C. Sec. 1983. The Defendants acted under color of state laws, statutes, ordinances, regulations, policies, customs, and usage of the State of Arkansas, and the City of Rogers, Arkansas, in intentionally, deliberately, and with deliberate indifference violating the Plaintiffs' rights under the Fourth and Fourteenth Amendments to the United States Constitution.

9. The Plaintiffs have suffered embarrassment, humiliation, legal expenses, lost wages, various expenses in defending the criminal case, other monetary and tangible damages.

10. Plaintiffs demand a jury trial on all issues.

DEMAND FOR JUDGMENT

11. THEREFORE, the Plaintiffs demand the following relief from the Defendants:

- A.) Compensatory damages;
- B.) Declaratory judgment;
- C.) Punitive damages;
- D.) Costs of this action;
- E.) Necessary and reasonable attorney's fees and expenses;

F.) Any and all other relief to which the Plaintiff is entitled by law.

DAVID ROBBINS &
DEBRA STEENBLOCK,

PLAINTIFFS

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